

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY AUTRY,

Plaintiff,

v.

CITY OF PHILDELPHIA, et. al.

Defendants,

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Civ. No. 23-1501

ORDER

On February 26, 2024, I dismissed Plaintiff's counseled claims against Defendants Carney, Lacombe, Vetter, John Does 1-10 and the City of Philadelphia without prejudice. (Doc. No. 20.) I also dismissed Count III without prejudice. (Id.) I admonished Plaintiff that he was to file a Second Amended Complaint or inform the Court no later than March 11, 2024, if he intended to stand on those claims, and that if he failed to do so, I would dismiss those claims with prejudice. (Id.) Plaintiff failed to do either.

"It is within a court's discretion to dismiss a complaint with prejudice if: (1) the complaint was previously dismissed without prejudice; (2) the plaintiff was given a specified period of time to amend the complaint; (3) the plaintiff failed to amend within the required time frame; and (4) the plaintiff was on notice that failure to amend may result in dismissal with prejudice." Barry-Wehmiller Design Grp., Inc. v. StorCon Sys., Inc., No. 14-1074, 2015 WL 13389784, at *1 (M.D. Pa. Mar. 2, 2015) (citing In re Westinghouse Sec. Litig., 90 F.3d 696, 704 (3d Cir. 1996)).

Accordingly, I will dismiss the previously dismissed claims with prejudice.

* * *

AND NOW, this 25th day of March, 2024, upon consideration of my February 26, 2024 Order (Doc. No. 20), and Plaintiff's lack of response (See Docket), it is hereby **ORDERED** that:

1. All claims against Defendants Carney, Lacombe, Vetter, and John Does 1-10 are **DISMISSED with prejudice**;
2. Count III is **DISMISSED with prejudice**;
3. Count IV against the City of Philadelphia is **DISMISSED with prejudice**;
4. The **CLERK OF COURTS SHALL** terminate from the docket Defendants Carney, Lacombe, Vetter, John Does 1-10, and the City of Philadelphia.

AND IT IS SO ORDERED

/s/ Paul S. Diamond

Paul S. Diamond, J.